

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSH PARKER,

Plaintiff,

vs.

UNION PACIFIC RAILROAD CO.,

Defendant.

8:24CV149

AMENDED
CASE PROGRESSION ORDER

This matter comes before the Court on the parties' Joint Motion for Extension of Discovery Deadlines ([Filing No. 23](#)). After review of the parties' motion, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED that the Joint Motion for Extension of Discovery Deadlines ([Filing No. 23](#)) is granted, and the case progression order is amended as follows:

- 1) The deadline for completing written discovery under Rules 33, 34, 36, and 45 of the Federal Rules of Civil Procedure is extended to **April 14, 2025**. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **April 28, 2025**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 2) The status conference set for March 19, 2024, is cancelled. A status conference to discuss case progression and the parties' interest in settlement will be held with the assigned magistrate judge on **April 16, 2025**, at **11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 3) Experts:
 - a. The deadlines for identifying expert witnesses and completing expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), remain:

For the plaintiff:

July 25, 2025

For the defendant:

August 29, 2025

Plaintiff's rebuttal:

September 12, 2025

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- b. The deadline for completing expert witness depositions remains **September 29, 2025**.
- c. The deadline for filing motions to exclude testimony on *Daubert* and related grounds remains **January 15, 2026**.
- 4) The deposition deadline, including but not limited to depositions of fact witnesses for oral testimony only under Rule 45, remains **July 18, 2025**.
- 5) The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings remains scheduled with the assigned magistrate judge on **July 23, 2025**, at **11:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 6) The deadline for filing motions to dismiss and motions for summary judgment remains **October 27, 2025**.
- 7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 11th day of December, 2024.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge